

REMARKS

By this Amendment, claims 1, 13-17, 23, 30-34, 40, 41, 61, 62, and 65 are amended, and claims 2, 4, 24, 45, 57-60, 63, 64, and 66 are cancelled without prejudice to or disclaimer of the subject matter contained therein. The amendments to the claims are supported by the application, as filed, at paragraph [167] and Figure 1, for example. Accordingly, no new matter is added. Currently, claims 1, 3, 5-23, 25-44, 46, 61, 62, and 65 are pending in this application.

I. *Restriction Requirement*

In a Restriction Requirement dated 7 October 2009, the Office required restriction under 35 U.S.C. § 121, asserting the application contained claims falling into sixteen different Groups, and required Applicants to elect a single Group. By this Amendment, the subject matter of the claims is clarified to specify that the methods and compositions comprise (1) Activin A, or (2) Activin A in combination with a member of the FGF family of proteins, NIC, or both. The amendments to the claims thus render the Office's distinction between Groups I-III, Groups IV-VI, Groups VII-X, and Groups XI-XIII no longer accurate. Further, cancellation in this Amendment of claims 47-60, 63, 64, and 66 eliminate Groups XIV-XVI.

To be fully responsive to the Restriction Requirement, Applicants elect the subject matter of asserted Group I, claims 1-21 and 61. Applicants note that the current claims recite a particular species of the subject matter of Group I. That is, whereas the asserted Group I is a method comprising exposing a cell to a TGF β family member, current claims 1-21 and 61 are directed to a particular TGF β family member, Activin A.

Applicants further note that the elected claims recite the use of Activin A, either alone or in combination with other substances. The methods recite the open-ended "comprising" language. Thus, election of Activin A broadly encompasses both Activin A alone and Activin A in combination with other substances. To the extent the Office might understand the claim language as being directed to two distinct species, Applicants submit that Activin A should be considered generic to a combination of Activin A and other substances. Accordingly, there would be no additional burden on the Office to examine the full scope of the claims, as written and as elected.

Applicants request that the Office reconsider the propriety of the Restriction Requirement in view of the amended claims. Specifically, the amended claims, including the claims of all of the asserted Groups, define an invention that is novel and unobvious over the prior art. Applicants submit that the prior art of record does not disclose or suggest a method in which Activin A is used to promote maintenance of stem cells in an undifferentiated state. Rather, the prior art of record that discusses Activin A indicates that the compound is useful for differentiation of stem cells. The effect of Activin A in the prior art is diametrically opposed to the effect recited in the present claims. Accordingly, the present claims define subject matter that is novel and unobvious over the prior art. As such, Applicants submit that all of the claims of this application should be examined in this application.

II. *Conclusion*

Applicants believe that this Amendment and Response is fully responsive to the Restriction Requirement. Accordingly, Applicants request that the Office reconsider the Restriction Requirement, withdraw it, and examine the full scope of the claims in this application.

This Response is being filed with the fee for a five-month extension of time and the fee for the Petition to Revoke. Applicants believe that the fees submitted are appropriate. Please grant any other petitions required to enter this Response and charge any additional required fees to Deposit Account No. 50-3740.

Respectfully submitted,
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